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DOCKET FILE COPY ORIGINAL

November 17, 2004

**BY HAND DELIVERY**

Marlene H. Dortch  
Secretary  
Federal Communications Commission  
The Portals  
445 12<sup>th</sup> Street, S.W.  
Washington, DC 20554

**RECEIVED**

NOV 17 2004

Federal Communications Commission  
Office of Secretary

**Re: CC Docket No. 00-257: *In the Matter of 2000 Biennial Review - Review of Policies and Rules Concerning Unauthorized Changes of Consumers Long Distance Carriers.* Notification of Mpower Communications Corp. Pursuant to 47 C.F.R. § 64.1120(e)**

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Dear Ms. Dortch:

Mpower Communications Corp. ("Mpower"), by its undersigned counsel and pursuant to Section 64.1120(e) of the Commission's Rules, 47 C.F.R. § 64.1120(e), hereby notifies the Commission of its intent to acquire a portion of the commercial local and long distance customer base of ICG Telecom Group, Inc. ("ICG"). An original and one (1) copy of this letter are enclosed. Please date stamp the enclosed extra copy of this letter and return it in the self-addressed envelope provided.

Names of the Parties to the Transaction: The parties to the transaction include: Mpower, the transferee, and ICG, the transferor.

Types of Telecommunications Services Provided to Affected Customers: ICG provides local and long distance services. Only California customers of ICG will be affected.

Date of the Transfer: The parties anticipate that the affected customers will be transferred to Mpower on or about December 31, 2004, or as soon as possible thereafter following receipt of regulatory approvals.

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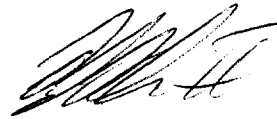
Ms. Marlene H. Dortch  
November 17, 2004  
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Certification of Compliance: Attached hereto as Attachment A is Mpower's certification required under Section 64.1120(e)(1) of the Commission's rules.

Copy of Notice Sent to Affected Subscribers: Attached hereto as Attachment B is a copy of the customer notice that was mailed to all affected customers by November 8, 2004.

Should there be any questions regarding this notification, please do not hesitate to contact the undersigned at 202/945-6941.

Sincerely,

A handwritten signature in black ink, appearing to read 'Catherine Wang', with a stylized flourish at the end.

Catherine Wang  
Douglas D. Orvis II

cc: Russell Zuckerman  
Scott Beer  
Kathleen Ramsey

## **ATTACHMENT A**

### **Certification**

## CERTIFICATION

On behalf of Mpower Communications Corp. ("Mpower"), and in accordance with Section 64.1120 of the Commission's rules, 47 C.F.R. § 64.1120, I hereby certify under penalty of perjury that I have read the foregoing notification and the statements contained therein are true, complete and correct to the best of my knowledge. I further certify that, with respect to the transfer to Mpower of the affected customers of ICG Telecom Group, Inc., Mpower has complied with the Commission's requirements to provide advance customer notice in accordance with Section 64.1120(e)(3), with the obligations specified in that notice, and with other statutory and Commission requirements that apply to this streamlined process.

By: \_\_\_\_\_

A handwritten signature in black ink, appearing to read 'R. Heatter', written over a horizontal line.

Name: Richard Heatter

Title: Vice President, Legal and Regulatory Affairs

Date: November 17, 2004

## **ATTACHMENT B**

### **Notice Sent to Affected Customers**



November \_\_, 2004

Dear Valued California Customer:

Recently you received notice that your local exchange provider and/or long distance provider, ICG Telecom Group, Inc. ("ICG") entered into an agreement through which ICG will transfer substantially all of its California assets to Mpower Communications Corp. ("Mpower"). Mpower will automatically become your local exchange provider and/or long distance provider on or about December 31, 2004. The actual effective date of the transfer will be on a customer by customer basis and will depend on when the appropriate state and federal regulatory approvals are received.

Please rest assured that we are working to ensure that you continue to receive the same services with the same or better rates, features, terms and conditions as you currently enjoy. In addition, you should not be charged any carrier-change fees as a result of this transition. If, however, such a charge does appear on your local telephone bill as a result of this transfer of service to Mpower, please call Mpower's customer service department toll-free at 1-800-881-6773 and your account will be credited accordingly.

Please note that any "freeze" you have placed on your existing telephone lines to prevent unauthorized transfer to another long distance carrier will be over-ridden for purposes of this transaction, and will need to be reinstated by you after the transfer is complete.

You may, of course, choose another carrier for your telephone service, subject to any termination restrictions in your contract. Customers who wish to choose another telephone provider will need to contact that carrier prior to December 15, 2004. Please note that if you are a customer of ICG on the date of the transfer and you have not informed Mpower that you have made arrangements on your own to switch to a telephone company other than Mpower, your account will automatically be transferred and your contract assigned to Mpower, even if you have previously arranged for a preferred carrier freeze through your local phone company.

Any questions you may have regarding your current services can be addressed by calling ICG's main customer service line at 1-888-424-4440. Any service orders or issues you may have prior to and during the transfer of service should be addressed to ICG, while any service orders or issues you may have after the transfer of service may be directed to Mpower.

We look forward to continuing to provide you with quality service for many years to come. In the meantime, if you have specific questions about this notice, please contact Mpower at 1-800-881-6773 or ICG at 1-888-424-4440.

Sincerely,

A handwritten signature in black ink, appearing to read "Rolla P. Huff".

Rolla P. Huff  
Chairman and Chief Executive Officer  
Mpower Communications

A handwritten signature in black ink, appearing to read "Dan Caruso".

Dan Caruso  
Chief Executive Officer  
ICG Communications